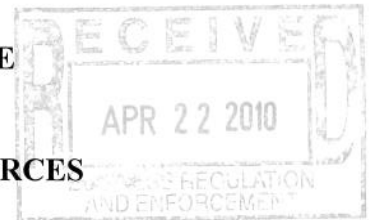


16874

NOTICE OF RULE ADOPTION—FINAL RULE

STATE OF MISSISSIPPI
MISSISSIPPI DEPARTMENT OF MARINE RESOURCES
OFFICE OF MARINE FISHERIES



Mississippi Department of Marine Resources
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Specific Legal Authority Authorizing the promulgation of Rule: Mississippi Code Ann. § 49-15-15, Administrative Procedures Act, § 25-43-1.101 *et seq.*

Reference to Rules repealed, amended or suspended by the Proposed Rule: The following rules have been amended, renumbered or repealed (See explanation). Proposed change by the addition to Title 22 Part 1; Chapter 13 Transportation of Shellstock by Vessel

Date Rule Proposed: March 16, 2010

Explanation of the Purpose of the Proposed Rule and the reason(s) for proposing the rule: TITLE 22 – MISSISSIPPI DEPARTMENT OF MARINE RESOURCES, PART 1 RULES AND REGULATIONS FOR SHELLFISH HARVESTING, TAGGING, LANDING, UNLOADING, TRANSPORTING, RELAYING, MANAGEMENT, AREA CLASSIFICATION, AND OTHER SHELLFISH RELATED ACTIVITIES IN THE STATE, AND THE LEASING OF TERRITORIAL WATERS UNDER THE JURISDICTION OF THE STATE OF MISSISSIPPI. The proposed changes are to Title 22 Part 1; Chapter 13 Transportation of Shellstock by Vessel. This would change the current requirement of boats or vessels legally harvesting and transporting shellstock from waters outside the State of Mississippi into Mississippi unrefrigerated to land shellstock on the same day of harvest by allowing legal multiple day harvest through requiring an application for a landing permit. The changes also authorizes the Executive Director to establish earlier checkout times, additional tagging requirements and additional time to temperature requirements of shellstock as may be required or necessary in order to achieve current and future ISSC requirements of illness reduction plans or management plans for *Vibrio parahaemolyticus* or *Vibrio vulnificus* to better protect the public health, or health of “at-risk” consumers, and to allow for greater options to the industry and harvesters in meeting those requirements. The MDMR may also place any additional conditions on the transportation of shellstock harvested from waters outside of the State of Mississippi that it deems necessary to protect public health and to ensure compliance with the provisions of this Part and with the laws of the State of Mississippi.

The Agency Rule Making Record for this rule including any written comments received during the comment period and the record of any oral proceeding is available for public inspection by contacting the Agency at the above address.

☐ An oral proceeding was held on this rule:

Date:
Time:
Place:

☒ An oral proceeding was not held on this rule.

The Agency has considered the written comments and the presentations made in any oral proceedings, and

☒ This rule as adopted is without variance from the proposed rule.

☐ This rule as adopted differs from the proposed rule as there are minor editorial changes which affect the form rather than the substance of the rule.

☐ The rule as adopted differs from the proposed rule. The differences however are:
Within the scope of the matters in the Notice of Proposed Rule Adoption, the logical outgrowth of the contents of the Notice of Proposed Rule Adoption and the comments submitted in response thereto, and
The Notice of Proposed Rule Adoption provided fair warning that the outcome of the proposed rule adoption could be the rule in question.

The entire text of the Proposed Rule including the text of any rule being amended or changed is attached.

Effective Date of Rule: May 24, 2010

William W. Walker, Ph.D. MDMR Executive Director
Signature and Title of Person Submitting Rule for Filing

SOS FORM APA 002
Effective Date 07/29/2005